

37 Am. Jur. 2d Fraud and Deceit § 115

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Fraud and Deceit

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IV. False Representations

F. Intent to Deceive, or to Induce Reliance; Knowledge of Falsity

1. Necessity of Intent

§ 115. Representations to class of persons or public—Reports, certificates, or statements required to be filed with public officials

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

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The principle that false representations made to one person with the intention that another act thereon are actionable in favor of such actor has frequently been applied where a party has sustained damages as a result of relying upon false information contained in a report, certificate, or statement required by statute to be filed with certain public officials.¹ This principle is limited in operation to reports, in some way disseminating, and meant to disseminate, information to the public.² If the certificate required by statute is not addressed to the public or intended for public information, but is required by law for a different purpose, such as a condition precedent to doing business within a state, liability cannot be predicated for false representations therein contained which cause loss to a member of the public acting thereon.³ Nevertheless, whether the information in a report required by law to be filed is for general public consumption or solely to influence the action of certain state officials, the person furnishing the false information in the report is liable to one injured by action thereon if the maker of the report is requested to give information concerning the affairs of the company involved in the report and refers such inquirer to the report for information.⁴ Such reference is a repetition of the representation addressed directly to the questioner and renders the informant liable irrespective of the original purpose for which the report or certificate was given.⁵

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Footnotes

- ¹ [Warfield v. Clark](#), 118 Iowa 69, 91 N.W. 833 (1902); [Ver Wys v. Vander Mey](#), 206 Mich. 499, 173 N.W. 504 (1919).

Statutory liability for false representations contained in reports required by law may rest on a different basis from common law deceit and may constitute a wholly statutory cause of action and method of enforcement unknown to the common law. [Union Market Nat. Bank of Watertown v. Gardiner](#), 276 Mass. 490, 177 N.E. 682, 79 A.L.R. 1512 (1931).

If a statute requires information to be furnished, filed, recorded, or published for the protection of a particular class of persons, one who makes a fraudulent misrepresentation in so doing is subject to liability to the persons for pecuniary loss suffered through their justifiable reliance upon the misrepresentation in a transaction of the kind in which the statute is intended to protect them. [Restatement Second, Torts § 536](#).

As to the liability of corporate officials for false information in reports, certificates, etc., filed generally, see [Am. Jur. 2d, Corporations §§ 1636, 1637](#).

As to deceit actions, apart from special statutory relief, maintainable against bank officials who are required by law to publish certain reports and statements and have made such reports with false information, see [Am. Jur. 2d, Banks and Financial Institutions §§ 405, 419, 420](#).

2 [Webb v. Rockefeller](#), 195 Mo. 57, 93 S.W. 772 (1906).

3 [Hindman v. First Nat. Bank](#), 112 F. 931 (C.C.A. 6th Cir. 1902); [McKee v. Rudd](#), 222 Mo. 344, 121 S.W. 312 (1909); [Webb v. Rockefeller](#), 195 Mo. 57, 93 S.W. 772 (1906).

4 [Hindman v. First Nat. Bank](#), 112 F. 931 (C.C.A. 6th Cir. 1902).

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